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ABSTRACT

Modifications to the Office of Civil Rights (OCR) Task Force Remedies are suggested with reference to identification of national origin minority students, assessment and educational prescription, staffing, desegregation assurance, and parent involvement. These considerations are addressed in five sections: (1) student identification; (2) program offerings (K-12); (3) staffing; (4) prevention of programmatic discriminatory practices; and (5) evaluation. The first section describes and gives examples of a home language survey, methods of identifying students, language proficiency and student achievement, and a classification of Lau Students. The second section discusses programs for various categories of students with limited English proficiency, individualized learning programs, factors triggering comprehensive bilingual programs, and special education concerns. The third section deals with instructional personnel requirements, staff development, and affirmative action. The fourth section on discriminatory practices includes communication with parents and parent involvement. Finally, evaluation is discussed in terms of educational context, content, process, and product. (AMH)

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TITLE IV LANGUAGE MINORITY REGULATIONS

BEYOND THE LAU REMEDIES

by

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PREFACE

The objective of this document is to provide educational policy makers in the U.S. Office for Civil Rights and U.S. Office of Education with an educational framework for developing national guidelines for addressing the educational needs of national origin minority students. The proposed framework is based on the educational rights of national origin minority students pursuant to Title VI of the Civil Rights Act of 1964 and the Lau v. Nichols Supreme Court decision of 1974.

The content of this document reflects the ideas, expertise and contributions of Dr. Rosaura Sanchez and the staff of the San Digo State University NOD Lau Assistance Center. In reviewing the proposed educational framework, the reader should keep in mind that the document addresses what should be the minimum educational services for national origin minority students attending public schools in the United States.

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Rationale

Public school education of national origin minority students is constrained nationally by three federal civil rights assertions:

1. Civil Rights Act of 1964, Title VI

   No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

2. May 25, 1970 Memorandum, Department of HEW, 35 Fed. Reg. 11595 (1970)

   Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational programs offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

   And:

   Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

3. Lau vs. Nichols U.S. Supreme Court Decision of 1974 (414 U.S. 563)

   Decision was based on Title VI of the CRA 1964 and rested upon the requirements of the May 25 memorandum:

> ...there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

The Office for Civil Rights, in enforcing these civil rights mandates, reviews school districts and can find that they are, or are not, in compliance with civil rights requirements for education of national origin minority (NOM) students. Districts found not in compliance may seek voluntarily to comply by submitting an educational plan that addresses NOM student needs to OCR for approval. An outline of remedies that OCR will consider sufficient (Task Force Remedies) has for several years provided guidelines to districts for the development of educational plans to meet the needs of NOM students. General Assistance Centers (now National Origin Desegregation Centers) provide technical assistance to districts developing plans (Lau plans) for NOM programs.

Based on several years direct field experience with school districts in California, the San Diego Lau (NOD) Center strongly feels that modifications to the Task Force Remedies will improve school district planning and better meet the intent of the Civil Rights Act.

"Equality of treatment" and "meaningful education" refer to the right of every student in the United States to develop both cognitive and linguistic skills to their fullest capacities in order to participate effectively in society.

To ensure access to this right, all students must be allowed the opportunity to develop cognitively through several stages from preoperational intuitive thinking to concrete operational thinking and on to formal operational thinking: that is, to the point at which they can reason logically and can handle abstract concepts.[1] The ability to conceptualize goes hand in hand with the ability to verbalize. A child learns these concepts not only through language, but increases in verbal ability as he acquires higher cognitive skills. The child can then demonstrate acquisition of these concepts through verbalization. Some verbal and cognitive skills are acquired in natural human development through interaction with others; some, however, require the assistance of specific instruction. Written decoding and encoding skills also require specific training. There may be numerous reasons for student underachievement, but there clearly is a strong correlation between underachievement and a lack of oral and literacy skills in the English language. Failure to understand the English language hinders a student's ability to receive instruction that will facilitate the development of cognition when English is the sole medium of instruction.

In a study of migrant Finnish students in Swedish schools, researchers found that students who had received instruction in Finnish for three or four years before their families immigrated achieved at grade level with Swedish students. Finnish students who had received no instruction in Finnish,

but had immigrated before starting school, were behind their classmates in Sweden.[2] As this study demonstrates, it is highly important to cognitive development for students to be allowed to develop operational skills in their own language before transferring to a second language. It is very important for national origin minority students in the United States to be instructed in their primary language until they achieve formal operational skills before they are placed in a classroom where English is the sole language of instruction. This does not mean that they will not acquire English as a second language throughout their elementary years, but simply that their cognitive development will be initiated in their primary language and will be continued until they have attained the level of abstract conceptualization.

In the past, generations of students without oral or literacy skills in English, who had no instruction in their native language, eventually developed oral-aural skills in English--but at the expense of cognitive development and achievement in school. Students who do not attain operational skills in their own language traditionally achieve below grade level throughout their school careers. Even when they are able to respond in English to available language assessment instruments, they are limited in their ability to conceptualize and limited in their literacy skills.

To meet the intention of the Civil Rights Act and of Lau vs. Nichols, therefore, we believe the following

considerations for NOM student identification, assessment and educational prescription are essential and should be reflected in OCR requirements. Ancillary considerations for staffing, desegregation assurance and parent involvement should also be incorporated in OCR requirements as suggested in the minimal-requirements description in the following pages.

SECTION ONE

IDENTIFICATION OF STUDENTS

A Lau student is one whose home or native language is other than English, regardless of the language presently spoken by the student, and who is not performing conceptually and linguistically at a level equal to or better than the district standard of proficiency. (Proficiency standards are discussed elsewhere in these proposed guidelines revisions.)

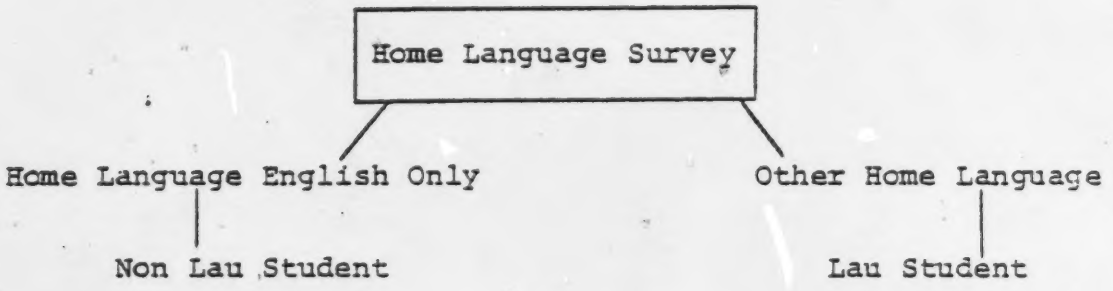
The identification process consists of 1) determination of the students' home language by a home language survey; 2) determination of the students' language proficiencies in English and the home language by an individual language assessment process conducted by bilingual personnel; 3) determination of students' achievement level both in the home language and in English.

Home Language Survey

At the beginning of each school year a survey will identify those students from homes where a language other than English is used. Parent's will be asked the following questions:

1. What was the first language the student learned to speak?
2. What language does the student speak most often?
3. What language(s) are most often spoken in your home?

Students for whom the response to all three questions is "English" will be classified as English proficient. Students for whom a response of "other than English" is given to any <u>one</u> question will be tentatively identified as Lau students.



Student Identification

Students for whom some contact with another language is revealed will be assessed with the aid of a language assessment instrument to determine their relative proficiency in English and the home language. Assessment will serve to classify students as either monolingual or bilingual. A bilingual student is one with some degree of proficiency in two languages, whether this be receptive competence, native-speaker competence or any level in between. As we shall see, various levels of bilinguality can--and should--be distinguished.

Identification of Language Proficiency

Proficiency must be determined not only as the acquisition of particular grammatical structures, but also as language functions within particular domains (home, community, school). The assessment must elicit natural discourse on a topic favored by the student as well as the production of particular forms--but always in the context of culturally relevant topics.

Assessment for Proficiency should go beyond description of visuals to incorporating an assessment situation which recognizes the relation between language and cognitive skills. The assessment procedure should determine whether the student can classify, organize, narrate, evaluate, synthesize, analyze and compare in both English and the other language.

The actual assessment for proficiency must include the four modes of communication: speaking, listening, reading and writing in the assessment of all students above kindergarten and the first grade level. The various functions of language must be considered and alternatives must be considered whenever the student is assessed as limited in both languages.

Since language proficiency can develop unequally in the differing social domains, failure to demonstrate proficiency in one domain (for example, the formal-language domain of the

traditional classroom) does not mean the student has no developed language proficiency with its corollary cognitive development. The language proficiency assessment process, therefore, must examine not only English and the home language but also identify the social domain (home, street, school) in which each language is most highly developed.

Some further general considerations for language assessment should be pointed out. While present language tests are often inadequate, any student language assessment process should:

1. Look at language as an integral part of cognition, context and experience;
2. Provide information that will allow teachers to plan for programs that build upon student strengths and address student weaknesses and allow for appropriate instructional grouping, as well as provide compliance information (census data, language categories, etc.);
3. Provide a comprehensive understanding of a student's ability to communicate, to function in the classroom and to use language appropriately in various cultural and social situations;
4. Demonstrate reliability and validity for a) age, maturation level, and language varieties of the students; b) the testing purpose that the test manuals claim will be accomplished; c) content and format;

d) test development, norming, and field testing procedures; 3) inter-rater consistency; f) comparable complexity of English and the home language versions; g) modifications/adaptations of test components for various grade levels or language groups;

5. Test a wide range of language functions and both receptive and expressive language capacities. (Functions of language include explaining, questioning, requesting, analyzing, communicating. Language capacities include listening, speaking, reading, writing.);
6. Consider maturation factors: test for more complex language use and a more extensive range of skills at upper grade levels;
7. Pose questions and/or elicit responses in a manner comfortable and natural for native language speakers;
8. Include both formal and informal language assessment;
9. Be reviewed and approved by a district task force knowledgeable of the various perspectives involved (i.e., student, teacher, parent, bilingual specialist, administrator, and language assessment consultant).

Information gathered in the language assessment process is used to tentatively place each student in one of the five following categories:

Category A	Speaks only the language other than English

Category B	Speaks mostly the language other than English equally well
Category C	Speaks English and the language other than English equally well
Category D	Speaks mostly English
Category E	Speaks only English

Often, students with bilingual skills are able to respond adequately to questions posed by existing language assessment instruments so that they are classified as English-proficient. These students, however, may have fluent speaking skills yet lack peer-level skills in reading, writing and cognitive areas. These students must still be considered limited in terms of their English skills. Generally, these students have been too-soon transferred into classes where English is the sole medium of instruction before they were allowed to develop cognitive and linguistic skills in their primary language.

Listening and speaking skills may have been eventually acquired, but full development of cognitive and literate skills was impeded.

Therefore, diagnostic/prescriptive processes to identify student proficiency levels in various subject areas and cognitive skills, in addition to English and home language proficiency, is imperative in the Lau student identification process.

Identification of Student Achievement

In order to determine which national origin minority students need special assistance in basic skill areas, the district shall establish minimum competency standards in English comprehension, speaking, reading and writing and in cognitive skills. Any national origin minority student identified as achieving below such standards shall receive differentiated instructional programs to ameliorate these academic difficulties.

Minimum competency standards for identifying underachieving national origin minority students shall be established based on one of the following criteria:

1. Minimum competency standards already established by the district and/or state pursuant to state law;
2. District standards for determining student eligibility for compensatory education programs (e.g., ESEA Title 1);
3. State norms established by standardized achievement tests; or
4. Grade level equivalency performance.

Minimum competency standards should be set at a point that identifies those national origin minority students who

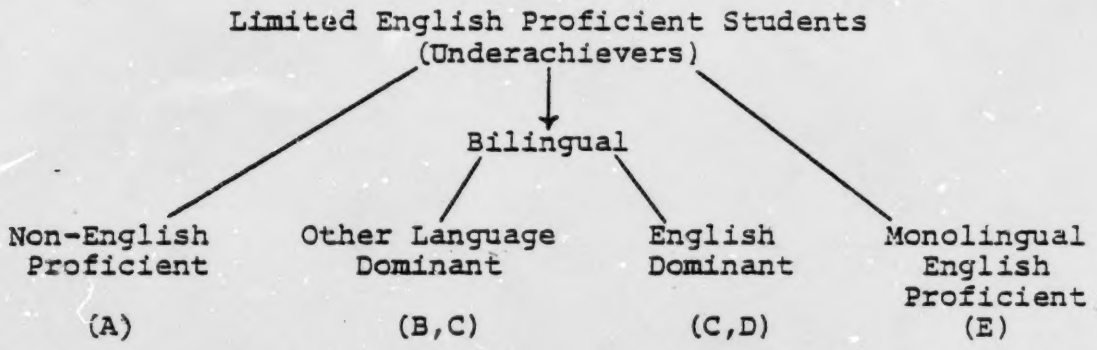
have problems in basic skill areas. The standards should be established with substantial parental and community involvement to develop a community-based understanding of the minimum competency standard process. After developing the standards, districts must ensure that program goals and instruction for underachieving national origin minority students are modified to reflect the standards. (The provision of such programs and instruction is not contingent upon federal funds of any kind.) Finally, program "exit" or "reclassification" criteria for national origin minority students should include student performance levels that surpass the minimum competency standards established by the district. In addition to considerations of language assessment and achievement, some factors are important in determining achievement:

1. National origin minority students who do not speak or understand English should not be tested for achievement in English;
2. Language proficiency and familiarity, reading ability, and general background experiences, as well as knowledge and cognitive skills, are being tested by most achievement tests;
3. Achievement is developmental, and if a student has not acquired a basic skill he/she cannot always build others;
4. For a comprehensive assessment of achievement for bilingual students, assessment must be in the student's own language as well as in English;

5. Standards of achievement and objectives and goals for achievement for national origin students must demonstrate the same high levels of expectancy as for achieving nonminority students.

Classification of Lau Students

Overall, the diagnostic processes for national origin students should result in the following classifications of Lau students:



All underachieving students who indicate minimal competency in a language other than English (comprehension, speaking, reading, writing) must be allowed to develop their linguistic skills to their fullest capacity. Underachieving students with bilingual skills must be allowed to develop cognitive skills in their primary or most proficient language. Even those underachieving students who are English proficient must be given the option to continue developing their other-language skills. Although program components and instructional strategies will differ with language and achievement proficiencies, limited English proficient students must be placed

in programs that develop language skills in English at the same time that skills in conceptualization are being developed in the primary language.

The needs of <u>each</u> student, regardless of grade level, level of achievement or language group must be accommodated by instruction that develops English language skills and basic academic competencies.

SECTION TWO

PROGRAM OFFERINGS (K-12)

A. Non-English Proficient Student

This student must be placed in a bilingual program where he will receive regular instruction in his dominant language at the same time that he receives instruction to develop his English language skills. Bilingual instruction must continue through the 12th grade, even though instruction in English will increase as the student's proficiency increases.

B. Limited Bilingual (Other-Language Dominant) Student

This student must be pla[illegible] in a bilingual program where he will receive regular instruction in his dominant language at the same time that he receives instruction to develop his English language skills. Bilingual instruction must continue through the 12th grade, even though instruction in English will increase as the student's proficiency increases.

C. Limited Bilingual (English Dominant) Student

This student is, in most cases, originally an A or B student who was given no opportunity to develop primary language skills, and may be limited in English reading and

writing skills. Since cognitive development as well as linguistic development is of concern, this student must be placed in a bilingual program and receive regular instruction in his dominant language (English) to develop skills in conceptualization while he receives instruction to develop his home language skills. All instruction should aim at developing the student's cognitive and verbal proficiencies. This calls for intensive training in verbal and cognitive skills in the dominant language. Existing studies indicate that instruction solely in English does not produce results; the group of students taught in this way is the one with the highest drop-out rates and underachievement numbers. Treatment of C students may also be the same as that of D students.

D. Limited Monolingual English Student

A student with no skills at all in another language, who comes from a language minority group and is underachieving, must receive instruction in English directed toward his achievement at minimal proficiency levels. Since this student's failure to achieve may be related to feelings of alienation from both the majority and minority cultures, he should have the option to develop language proficiency in the language of his cultural group. These students must receive remediation directly in the diagnosed areas, and not just placed in existing district remedial programs.

Compensatory services, as the program offering for the national origin minority student who is underachieving in English, must be differentiated to meet the social, cultural and linguistic needs of this student.

Limited English Proficient Student

(Individualized Learning Program: see following section.)

Individualized Learning Program

The Individualized Learning Program (ILP) Option is a comprehensive instructional plan to be used when fewer than 10 Lau students are identified as a grade level and/or school. This approach involves definite and specific diagnostic and prescriptive procedures that identify individual students' educational needs in the areas of:

1. Primary language proficiency
2. English language proficiency
3. Basic skills proficiency
4. Subject/content academic competencies

The ILP must have a clear design and format; a management system for the delivery of instructional services to Lau students; a control/monitoring procedure of the instructional content; and a documentation process. The ILP must ensure that the Lau student receives equal benefits from the educational process, which will enable him to perform at the same academic level expected of all other students in the district.

The ILP option is a comprehensive instructional program. It is basically a method which identifies the nature and extent of each student's educational needs. It involves a careful review of both the cognitive and affective domains,

learning styles and incentive motivational styles. The diagnostic measures must also include diagnosis of problems related to areas and/or subjects required in the school instructional program. The prescriptions, therefore, must serve to bring the Lau category A, B, C, or D student(s) to the educational standards of proficiency that are expected by Local Educational Agency (LEA) and State for non-minority students. The ILP must not be operated in a manner so as to solely satisfy a set of objectives divorced or isolated from those educational objectives established for students in the regular school program.

Program Emphasis

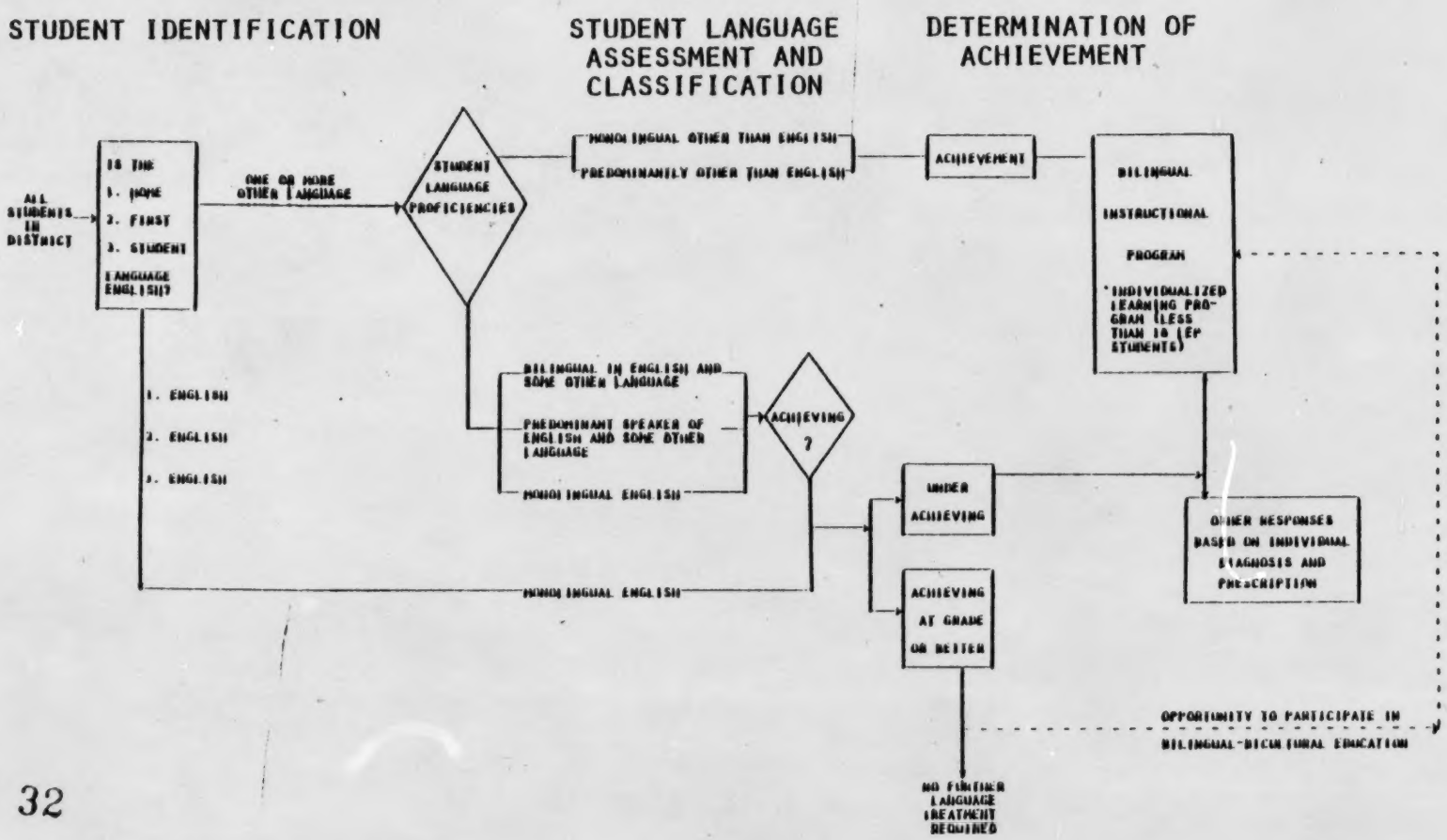
Within a bilingual program individual student needs, language proficiencies and cognitive skills should be considered for instructional groupings. The general programmatic emphases below are offered as guidelines for planning for all language and achievement categories of national origin minority students.[3]

Program Offering (See pages 18-19.)	Program Characteristics
A,B,C,D	1. Ongoing diagnostic procedures (both formal and informal) to determine appropriate placement and to assure that each student achieves success and is challenged linguistically and academically.
A,B	2. Development of concepts and analytic skills in math, social studies and science in the student's primary language.
C,D	3. Development of concepts and analytic skills in math, social studies and science in English.
B,C,D	4. Development of concepts and analytic skills in math, social studies and science in the student's primary language and in English when possible.
A,B,C	5. Development of listening, speaking, reading and writing skills in the primary language other than English.

A,B,C,D	6.	Development of reading, writing, speaking, listening skills in English.
A,B	7.	Provision of a structured and sequential program of English as a second language which incorporates and reinforces concepts and cognitive skills previously taught in the primary language.
C,D	8.	Structured and sequential other-language (home language) as a second language instruction which incorporates cognitive skills.
A,B,C,D	9.	Opportunities to use and hear English and the home language in natural situations with native speakers of each of the languages.
A,B,C,D	10.	Encouragement of language flexibility according to context, domain, situation and occasion.
A,B,C,D	11.	Development of critical thinking and discussion skills in both languages.
A,B,C,D	12.	Development, acquisition and use of culturally and linguistically relevant materials that emphasize cognitive skills and depict the multi-ethnic/cultural characteristics of the community. A part of every program should be specific evaluation criteria for reviewing and selecting such materials.
A,B,C,D	13.	Expansion of language domains, styles and functions in all curriculum areas.
A,B,C,D	14.	Development of self concept and appreciation and respect for differences.

MINIMAL LAU REMEDIES

ELEMENTARY AND SECONDARY GRADES



Factors That Trigger Comprehensive Bilingual Programs

When a district has 20 or more children of one language group, then a district plan shall be required to develop a comprehensive educational plan that will specify:

1. How the district will plan for and address the needs of each of those students wherever they are located within the district;
2. Procedures to assure that the program will be implemented at the school site to provide basic instruction in each student's most proficient language and instruction in English.

The following guidelines should be followed in generating school level programs, with certified bilingual teachers at grades K-12.

A. Non-English Skills Student

- 10+ non-English-skills student of the same language (L_1) at the same grade in a school, or
- at least 20+ non-English-skills student of the same L_1 in a school

or

10+ of any combination of A,B,C, and/or D of the same L_1 at the same grade in a school,

B. Limited Bilingual (Other Language Dominant) Student

- 10+ limited bilingual student of the same L_1 in the same grade in a school, or
- at least 20+ limited bilingual students of the same L_1 in a school

C. Limited Bilingual (English Dominant) Student

- 10+ limited bilingual (English dominant) of the same L_1 in the same grade at a school, upon parent request, or
- at least 20+ limited bilingual (English dominant) students of the same L_1 in a school upon parent request

D. Limited Monolingual English Student (Underachieving)

- At least 20+ limited monolingual English students (underachieving) from the same L_1 background/minority group and at a school, upon parent request.

E. Individualized Learning Program

- Less than 10- per grade level of any language (other than English) at a grade level of a school.

} or at least 20+ of any combination of A,B,C, and/or D of the same L_1 in a school

Special Education Concerns

Those students diagnosed as having developed little or no skills by the assessment processes discussed in these guidelines require further special assessment. With such students there exists the possibility of learning problems or mental or emotional impairment: that is, they may, indeed, be exceptional children who require some form of therapeutic treatment or special education program. In any event, educational prescriptions for students should be in their native languages in order to capitalize on the strongest existing levels of linguistic/cognitive development. Should students be diagnosed as having learning disabilities, educational programs should be provided to these students pursuant to Public Law 94-142.

SECTION THREE

STAFFING REQUIREMENTS

All teachers and aides providing instruction in programs for the (A) Non-English skills student, (B) limited bilingual-other-language dominant, and (C) limited bilingual-English dominant shall meet all the personnel requirements listed below under these guidelines. Staff requirements for programs (D) limited monolingual English (underachievers) shall meet all personnel requirements with the exception of skill areas 1, 4 and 8. (See page 30.)

Other instructional personnel may provide educational services to limited English proficient students provided that the teacher of record meets all personnel requirements and they receive inservice training in the skill areas 3, 6, 7 and 10. (See page 30.)

Instructional Personnel Requirements

Instructional personnel teaching the students in question must be linguistically/culturally familiar with the background of the students to be affected and shall demonstrate the following teaching skills:

1. Full proficiency in the target students' dominant language;
2. Knowledge of the process of language acquisition;
3. Awareness of and sensitivity to the target students' culture;
4. Competence in teaching basic skills and other academic subjects through the students' dominant language;
5. Competence in teaching general curriculum through English;
6. Competence in teaching English as a second language (oral/reading/writing development).
7. Competence in methods of individualized instruction and working with paraprofessionals;
8. Competence to determine the students' dominant language proficiencies;
9. Competence in diagnosing students' academic achievement for placement in appropriate program curricula;

10. Competence to develop, assess, evaluate and utilize instructional materials to best meet the needs of Lau students.

Staff Development

If instructional staffing is inadequate to implement program requirements, inservice training directly related to improving student performance is acceptable as an immediate and temporary response. Plans for providing this training must include at least the following:

1. Specified objectives, content, enabling methods and timelines of inservice training;
2. Personnel to implement inservice training;
3. Evaluation design of training and performance criteria for individuals receiving the training;
4. Opportunities for all school personnel, paraprofessionals, and volunteers to participate in ongoing development activities pursuant to a systematic identification of pupil and personnel needs.
5. Allowance for diversity in development activities, including but not limited to, small groups, self-directed learning, and systematic observation during visits to other classrooms or schools.
6. Be conducted during time which is set aside for such purpose on a continuing basis throughout the school year, including, but not limited to, time when

participating school personnel are released from their regular duties;

7. Be evaluated and modified on a continuing basis by participating school personnel with the aid of outside personnel as necessary;

8. In selecting teachers to instruct in English language skills programs and to receive inservice training, districts shall give highest priority to teachers who exhibit the following characteristics:

   --Interest in instructing the subject pupil population;

   --Sensitivity to and familiarity with the cultural background of the subject pupils.

   Inservice training must continue until staff performance criteria has been met.

Affirmative Action

The school district must provide a plan for securing the number of qualified teachers necessary to fully implement the instructional programs for all students identified under these guidelines.

SECTION FOUR

PREVENTION OF PROGRAMMATIC DISCRIMINATORY PRACTICES

The school district must show that the required and elective courses are not designed to have a discriminatory effect.

1. Required Courses

   Required courses (example: American History) must not be designed to exclude pertinent minority developments which have contributed to or influenced such subjects.

2. Elective Courses and Co-Curricular Activities

   Where a district has been found out of compliance and operates racially/ethnically identifiable elective courses or co-curricular activities, the plan must address this area by either educationally justifying the racial/ethnic identifiability of these courses or activities, eliminating them, or guaranteeing that these courses or co-curricular activities will not remain racially/ethnically identifiable. There is a prima facie case of discrimination if courses are racially/ethnically identifiable.

Schools must develop strong incentives and encouragement for minority students to enroll in electives where minorities

have not traditionally enrolled. In this regard, counselors, principals and teachers have a most important role. Title VI compliance questions are raised by any analysis of counseling practices which indicates that minorities are being advised in a manner which results in their being disproportionately channeled into certain subject areas or courses. The school district must see that all of its students are encouraged to fully participate and take advantage of all educational benefits.

Close monitoring is necessary to evaluate to what degree minorities are being discouraged from taking certain elective and encouraged to take other elective courses and insist that to eliminate discrimination and to provide equal educational opportunities, districts must take affirmative steps to see that minority students are not excluded from any elective courses and over-included in others. No newly established elective courses can be designed to have a discriminatory effect. This means that a district cannot, for example, initiate a course in Spanish literature designed exclusively for Spanish-speaking students so that enrollment in that subject is designed to result in the exclusion of students whose native language is English but who could equally benefit from such a course and/or be designed to result in the removal of the minority students in question from a general literature course which should be designed to be relevant for all the students served by the district.

School districts which assign students to or within classes in a manner resulting "in the separation of minority groups from non-minority group children for a substantial portion of the school day" are discriminating. "Substantial" separation is interpreted as more than 25% of the school day classroom periods. Where separation lasts for more than 25% of the day, the presumption is raised that classroom or tracking assignments are impermissibly based on race, color, or national origin. Bona fide ability groupings can be exempted from this presumption and prohibition.

A bona fide ability grouping must meet four requirements:

1. Placement in the group must be based on educationally relevant, non-discriminatory, objective standards of measurement;
2. The grouping must be maintained during the school day for only as long as necessary;
3. It must be designed to meet the students' special needs and to improve academic achievement and performance through specially developed curricula taught by specially trained instructional personnel;
4. The grouping must be shown through objective testing to be educationally beneficial.

Parent Notification, Communication, and Involvement

Parents of students who have been identified as eligible for bilingual instruction are to be notified of their student's entitlement and of the nature of the program to be provided. Every effort is to be made to inform parents of the educational value of the program and no attempt is to be made to invite parents to withdraw their student from the program.

If at any time a parent prefers not to have his/her eligible child participate in the program provided, the following steps are to be taken:

1. The parent is to be provided with printed material in English and the home language which explains the nature, purposes and educational value of the program, and the skills required of personnel. Such material will be sent as soon as it is completed.
2. The principal is to invite the parent to meet with him or his representative along with the school or district coordinator of bilingual education to discuss and explain further the nature, purposes, educational value of the program and the skills

required of personnel. In discussions with the parent, opportunity is to be provided a) to observe a class providing instruction in the program; b) to meet with other parents whose children have participated in or are participating in the program; and c) to enroll the child in the program on a trial basis.

3. A parent who has had such a meeting may withdraw his/her child from the Program. Such a pupil should be provided a program which includes intensive instructions in English.
4. At any time thereafter, the parent may reconsider the decision not to have the child in the Program. A subsequent request for placement of the child in the Program is to be honored as long as the child remains eligible for the Program based on the most recent language assessment procedure.
5. A record of those children who have withdrawn from the program shall be maintained by the principal for reporting purposes and forwarded to the Superintendent. The record shall include the name of the student, grade level, record of meetings with the parent, and date of withdrawal from the program. The Superintendent shall provide quarterly summary reports setting forth the numbers of children by grade and school who have withdrawn from the program.

Parent Communication

School districts have the responsibility to effectively notify the parents of the students identified as having a primary or home language other than English of all school activities or notices which are called to the attention of other parents. Such notice, in order to be adequate, must be provided in English and in the necessary language(s) comprehensively paralleling the exact content in English. Be aware that a literal translation may not be sufficient.

Parent Involvement

School districts should provide a school-site process for the involvement of parents of the improvement of instruction, auxiliary services, school environment and school organization to meet the needs of the students identified.

Evaluation

An educational program for Lau students must include an articulated evaluation process: its goals, to maximize educational efficiency and to ensure educational benefits to Lau students. To meet these goals, the evaluation process must address four educational areas: context, content, process and product.[4]

Educational Context

Context evaluation focuses on the effectiveness of Lau student identification, screening and placement. Elements to be evaluated include language ability determination; academic and cognitive assessment procedures; home and cultural environment assessment; exit criteria determination; and entry-level behavior assessment process.

Educational Content

Relevancy of educational content to Lau students' lives is crucial if they are to receive educational benefits. The following elements must be evaluated: relevancy of material;

level of difficulty of material; amount and sequence of educational activities; relationship between educational activities and Lau students' cultural milieu; motivational level of educational context; and content's potential for helping students to think critically.

Educational Process

Process evaluation requires a monitoring system that will provide feedback to improve program effectiveness and to determine program quality. Elements to be monitored include: the objectives, activities and timelines of the program; the personnel responsible for carrying out tasks; and the degree to which tasks are successfully accomplished. Effective monitoring will require such techniques and tools as: performance monitoring procedures; formal referral procedures; record keeping and progress reporting; psycho-educational evaluation procedures; and methods of identifying training inputs needed to maximize instructional effectiveness.

Educational Product

The desired product of an educational program must be education. Its evaluation for Lau students should be in terms of progress in the cognitive, the affective and the behavioral domains. Determination of student progress should examine the following elements:

intellectual skills (thinking, perceiving, reasoning, etc.); intellectual strategies (such as problem solving skills); affective characteristics (motivation, value clarification, etc.); and psycho-motor learning.

Evaluation should be continuous from student identification to student progress assessment. Each phase of evaluation should be built in a part of the corresponding educational component and should include automatic review and analysis of evaluation data to make it useful in improving the educational delivery system.

References

1. Piaget, J. The Language and Thought of the Child. London: Routledge & Kegan, Paul 1952.

2. Skutrabb - Kangas, T. Language in the Process of Cultural Assimilation and Structural Incorporation of Linguistic Minorities, National Clearinghouse for Bilingual Education, Rosslyn, Virginia, 1979.

3. The program emphasis characteristics were adapted from workshop materials developed by the IDRA NOD (Lau) Assistance Center in San Antonio, Texas.

4. Ochoa, Alberto and Romo, Harriett. Manual IV: Recommendations and Framework for Developing a Comprehensive Educational Master Plan to Comply with Title VI of the Civil Rights Act of 1964. SDSU NOD Lau Center, Spring 1977.